

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

DALE A. KAYMARK, individually and on
behalf of other similarly situated current and
former homeowners in Pennsylvania,

Plaintiffs,

v.

BANK OF AMERICA, N.A. and UDREN
LAW OFFICES, P.C.

Defendants.

Civil Action #2:13-cv-00419-CRE

**PLAINTIFFS' MOTION TO SUBSTITUTE A SECTION OF HIS RESPONSE IN
OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS**

And now comes Plaintiff, Dale A. Kaymark ("Mr. Kaymark"), individually and on behalf of other similarly situated current and former homeowners in Pennsylvania, and makes this his Motion to Substitute a Section of his Response in Opposition to Defendants' Motions to Dismiss entitled "Failure to Participate in the Debt Validation Procedure Does Not Constitute a Waiver of All Future FDCPA Rights." Document 31, ps. 35-37.

1. Mr. Kaymark's counsel has again reviewed Udren's debt validation defense (Document 25, ps. 18-21) and concluded that he may not have fully and completely understood Udren's defense in his Response in Opposition to Defendants' Motions to Dismiss.¹ See Document 31, ps. 35-37.

2. Mr. Kaymark would like to withdraw those pages of his Opposition and substitute it with the attached. By substituting this Section, Plaintiffs are still in compliance with this Court's page limitations.

¹ This matter would have been undertaken sooner but undersigned counsel was on vacation from July 15, 2013 until July 22, 2013.

Wherefore, for the reasons stated above, it is respectfully requested that Mr. Kaymark's Motion to Substituted his Debt Validation section of his Opposition to Defendants' Motions to Dismiss be granted. A proposed Order of Court is attached hereto.

Respectfully Submitted,
MICHAEL P. MALAKOFF, P.C.

/s/Michael P. Malakoff

Michael P. Malakoff, Esquire
Pennsylvania Attorney I.D. #11048
Suite 200, The Frick Building
Pittsburgh, PA 15219

Telephone: (412) 281-4217

Facsimile: (412) 281-3262

malakoff@mpmalakoff.com

*Attorneys for Named Plaintiff Dale A.
Kaymark, individually and on behalf of
other similarly situated former and current
homeowners in Pennsylvania*

CERTIFICATE OF SERVICE

I hereby certify that on the **24th** day of **July, 2013**, a true and correct copy of the foregoing **Motion to Substitute a Section of his Response in Opposition to Defendants' Motions to Dismiss** was served upon the following parties of interest via the Court's Electronic Filing System:

Thomas L. Allen, Esquire
Nellie E. Hestin, Esquire
REED SMITH, LLP
225 Fifth Avenue
Pittsburgh, PA 15222

Jonathan J. Bart, Esquire
WILENTZ GOLDMAN & SPITZER, PA
Two Penn Center, Suite 910
Philadelphia, PA 19102

/s/Michael P. Malakoff

Michael P. Malakoff, Esquire